

STUART RABNER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, Fifth Floor  
P.O. Box 45029  
Newark, New Jersey 07101

By: Megan K. Cordoma  
Deputy Attorney General  
(973) 648-7457

**FILED**  
April 17, 2007  
**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

**MARIO COMESANAS, M.D.**  
License No. MA04758500

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER**

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") on or about February 1, 2007, upon receipt of information that Respondent Mario Comesanas, M.D. was engaged in criminal activity that may have violated Board rules or regulations.

Pursuant to a plea agreement entered into with the New Jersey Division of Criminal Justice, a copy of which is attached hereto as Exhibit A and incorporated by reference (hereinafter the "March 19 Plea Agreement"), on March 19, 2007, Respondent pled guilty to First Degree Racketeering contrary to N.J.S.A. 2C:41-2 and Second Degree Distribution of Controlled Dangerous Substances ("CDS") contrary to N.J.S.A. 2C:35-5/2C:2-6. The March 19 Plea Agreement also requires Respondent to permanently surrender his New Jersey Medical License.

**CERTIFIED TRUE COPY**

Respondent acknowledges that his actions, as described above, constitute multiple violations of N.J.S.A. 45:1-21(b), (e) and (g); and demonstrate a failure to fulfill the ongoing statutory requirement of good moral character, which is a requirement of licensure, pursuant to N.J.S.A. 45:9-

6.

The parties, having agreed to the resolution of this matter without further formal proceedings, and Respondent having agreed and given his voluntary consent to the within Order, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS on this 9<sup>th</sup> day of April, 2007

**ORDERED** as follows:

1. Respondent, Mario Comesanas, M.D., is hereby granted leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey. Said surrender shall be deemed a revocation by the Board
2. Respondent shall not reapply for a license to practice medicine in the State of New Jersey;
3. Respondent shall immediately cease and desist from the practice of medicine and surgery in the State of New Jersey including, but not limited to, prescribing or dispensing any medications, including Controlled Dangerous Substances, to any individual, including himself, his family members or his patients and immediately advise the New Jersey Office of Drug Control and the Drug Enforcement Agency of this Order;

4. Respondent shall return his original New Jersey CDS registration, his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 0183, Trenton, New Jersey, 08625-0183; and

5. Respondent shall comply with the directives attached hereto as Exhibit B which are incorporated herein by reference.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By: Sindy Paul, M.D.  
Sindy Paul, M.D., President

I have read and understood  
the within Order and agree  
to be bound by its contents.

Mario Comesanas, M.D.

Dated: 3-27-07

Consented to as to form and  
entry.

Saluti & Barnett  
Attorneys for Mario Comesanas, M.D.

Gerald Saluti, Esq.

Dated: 3/27/07

# **EXHIBIT A**

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MAR 21 2007 09:44 P.02

5. e. If the offense occurred on or after August 2, 1993 you must pay a \$75 Safe Neighborhood Services Fund assessment for each conviction? ☒ [YES] ☐ [NO]
- f. If the offense occurred on or after January 5, 1994 and you are being sentenced to probation, you must pay a fee of up to \$25 per month for the term of probation? ☒ [YES] ☐ [NO]
- g. If the crime occurred on or after January 9, 1997 you must pay a Law Enforcement Officers Training and Equipment Fund penalty of \$30? ☒ [YES] ☐ [NO]
- h. You will be required to provide a DNA sample, which could be used by law enforcement for the investigation of criminal activity, and pay for the cost of testing? ☒ [YES] ☐ [NO]
6. Do you understand that the court could, in its discretion, impose a minimum time in confinement to be served before you become eligible for parole, which period could be as long as one half of the period of the custodial sentence imposed? ☒ [YES] ☐ [NO]
7. Did you enter a plea of guilty to any charges that require a mandatory period of parole ineligibility or a mandatory extended term? ☒ [YES] ☐ [NO]
- a. If you are pleading guilty to such a charge, the minimum mandatory period of parole ineligibility is \_\_\_\_\_ years and \_\_\_\_\_ months (fill in the number of years/months) and the maximum period of parole ineligibility can be \_\_\_\_\_ years and \_\_\_\_\_ months (fill in the number of years/months) and this period cannot be reduced by good time, work, or minimum custody credits.
8. Are you pleading guilty to a crime that contains a presumption of imprisonment which means that it is almost certain that you will go to state prison? ☒ [YES] ☐ [NO]
9. Are you presently on probation or parole? ☒ [YES] ☐ [NO] ☒ [N/A]
- a. Do you realize that a guilty plea may result in a violation of your probation or parole? ☒ [YES] ☐ [NO] ☒ [N/A]
10. Are you presently serving a custodial sentence on another charge? ☒ [YES] ☐ [NO] ☒ [N/A]
- a. Do you understand that a guilty plea may affect your parole eligibility? ☒ [YES] ☐ [NO] ☒ [N/A]
11. Do you understand that if you have plead guilty to, or have been found guilty on other charges, or are presently serving a custodial term and the plea agreement is silent on the issue, the court may require that all sentences be made to run consecutively? ☒ [YES] ☐ [NO] ☒ [N/A]
12. List any charges the prosecutor has agreed to recommend for dismissal:

Ind./Acc./Compl.#	Count	Nature of Offense and Degree
W 20074004560714		All Counts
W 20074206660714		All Counts

13. Specify any sentence the prosecutor has agreed to recommend:

See Attached Plea agreement dated 3/19/07.

A - Plea  
Agree

S - W 20074004560714

Acc

Defendant's Initials

page 2 of 3

14. Has the prosecutor promised that he or she will NOT:

a. Speak at sentencing?

b. Seek an extended term of confinement?

c. Seek a stipulation of parole ineligibility?

15. Are you aware that you must pay restitution if the court finds there is a victim who has suffered a loss and if the court finds that you are able or will be able in the future to pay restitution?

16. Do you understand that if you are a public office holder or employee, you can be required to forfeit your office or job by virtue of your plea of guilty?

17. Do you understand that if you are not a United States citizen or national, you may be deported by virtue of your plea of guilty?

18. Have you discussed with your attorney the legal doctrine of merger?

19. Are you giving up your right at sentence to argue that there are charges you pleaded guilty to for which you cannot be given a separate sentence?

20. List any other promises or representations that have been made by you, the prosecutor, your defense attorney, or anyone else as a part of this plea of guilty:

*See plea agreement attached  
and dated 3/19/07*

21. Have any promises other than those mentioned on this form, or any threats, been made in order to cause you to plead guilty?

22. a. Do you understand that the judge is not bound by any promises or recommendations of the prosecutor and that the judge has the right to reject the plea before sentencing you and the right to impose a more severe sentence?

b. Do you understand that if the judge decides to impose a more severe sentence than recommended by the prosecutor, that you may take back your plea?

c. Do you understand that if you are permitted to take back your plea of guilty because of the judge's sentence, that anything you say in furtherance of the guilty plea cannot be used against you at trial?

23. Are you satisfied with the advice you have received from your lawyer?

24. Do you have any questions concerning this plea?

DATE 3/19/07 DEFENDANT *[Signature]*

DEFENSE ATTORNEY *[Signature]*

PROSECUTOR *[Signature]*

This plea is the result of the judge's conditional indications of the maximum sentence he or she would impose independent of the prosecutor's recommendation. Accordingly, the "Supplemental Plea Form for Non-Negotiated Pleas" has been completed.

# SUPPLEMENTAL PLEA FORM FOR DRUG OFFENSES

The following additional questions need to be answered only if you are pleading guilty pursuant to an offense under N.J.S.A. 2C:35-1 et seq. Or N.J.S.A. 2C:36-1 et seq.

24. Have you and the Prosecutor entered into any agreement to provide for a lesser sentence or period of parole ineligibility than would otherwise be required? (If yes, be sure to include in questions 12 and 13 above).

[YES]

[NO]

25. Do you understand that if you plead guilty:

a. You will be required to forfeit your drivers license for a period of time from 6 to 24 months?

[YES]

[NO]

b. You will be required to pay a forensic laboratory fee of \$50 for each offense for which you plead guilty?

[YES]

[NO]

c. You will be required to pay a mandatory drug enforcement and demand reduction (D.E.D.R.) penalty as listed below for each offense for which you plead guilty?

[YES]

[NO]

The mandatory penalties are as follows:

- (1) \$3,000 in the case of a 1<sup>st</sup> degree crime
- (2) \$2,000 in the case of a 2<sup>nd</sup> degree crime
- (3) \$1,000 in the case of a 3<sup>rd</sup> degree crime
- (4) \$ 750 in the case of a 4<sup>th</sup> degree crime
- (5) \$ 500 in the case of a disorderly persons or petty disorderly persons offense

TOTAL D.E.D.R. Penalty \$ 2000.00

DATE

3/19/07

DEFENSE ATTORNEY:

*[Signature]*

PROSECUTOR:

*[Signature]*

DEFENDANT

*[Signature]*

Administrative Office of the Courts  
Revised August 26, 2001





JON S. CORZINE  
Governor

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE  
ONE APOLLO DRIVE  
WHIPPANY, NJ 07981  
TELEPHONE: (973) 599-5900

STUART RABNER  
Attorney General

GREGORY A. PAW  
Director

March 9, 2007

**PLEA AGREEMENT**

Gerald Saluti, Esq.  
Saluti & Barnett  
60 Park Place - 6th Floor  
Newark, NJ 07102

Via: [Salutilaw@aol.com](mailto:Salutilaw@aol.com)

**Re: State v. Mario Comesanas**

Dear Mr. Saluti:

This letter constitutes the full and complete Plea Agreement between Mario Comesanas and the State of New Jersey.

The State will accept from Mario Comesanas a guilty plea to an Accusation charging one count of Racketeering - First Degree contrary to N.J.S.A. 2C:41-2; and one count of Distribution of Controlled Dangerous Substances - Second Degree contrary to N.J.S.A. 2C:35-5/2C:2-6. If Mario Comesanas enters a guilty plea to and is sentenced on the above charges, and he fully complies with the terms specified below, the State will further acknowledge that:

- 1) The sentence imposed by the Court shall be a period of fifteen (15) years New Jersey State Prison without a period of parole ineligibility;
- 2) The State will bring the full nature and extent of Mario Comesanas' cooperation to the attention of the Court at time of sentencing; and
- 3) The State shall not prosecute Mario Comesanas for any other criminal violations concerning any heretofore disclosed conduct regarding the illegal activity covered by this agreement; and



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In exchange, Mario Comesanas agrees that he will:

- 1) Execute a Consent Agreement at the time of entry of the plea forfeiting his New Jersey Medical License for life without possibility of reinstatement or re-application;
- 2) Execute a Consent Agreement in favor of the State of New Jersey extinguishing any rights, individual or representative, that he may have in the United States Currency amounting to \$ 598,977 seized pursuant to search warrants authorized by the Court, all in accordance with the remedial provisions of New Jersey Racketeering statute N.J.S.A. 2C:41-3;
- 3) Remain liable for all civil consequences of his tax affairs, if any, including the collection of any unpaid tax or the imposition of fines and penalties. Mario Comesanas agrees that consistent with the cooperation component of this agreement set forth below, he will provide any materials in possession or control and assist the officials from the State of New Jersey in determining his tax liability, if any, for any income received by Mario Comesanas in connection with the actions covered by this agreement. Should it be determined that Mario Comesanas has an outstanding tax obligation to the State of New Jersey, Mario Comesanas agrees that he will enter a Consent Judgment in favor of the State of New Jersey for the amount of tax calculated; and
- 4) Fully cooperate with the State of New Jersey as detailed immediately below:

Mario Comesanas understands full cooperation includes truthful disclosure of all information concerning any activities by Mario Comesanas and others about which representatives of the State may inquire. Mario Comesanas shall also, at the request of the State, provide any documents and/or items that are in his possession, custody, or subject to his control. Mario Comesanas agrees to make himself available for questioning at all reasonable times and shall truthfully testify in all proceedings, including grand jury, trial proceedings, or administrative proceedings as to any activities about which he is questioned. Contemporaneous with the execution of this plea agreement, Mario Comesanas agrees to provide a sworn statement detailing his actions, those of his co-conspirators, and those of other individuals who may have factual information or knowledge of the illegal activities covered by this agreement.

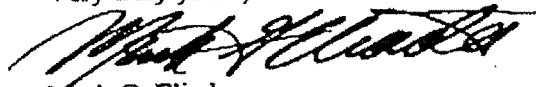
Mario Comesanas shall at all times give complete, truthful, and accurate information and testimony. Should it be determined that Mario Comesanas has intentionally given materially false, incomplete or misleading testimony or information, or should Mario Comesanas participate or attempt to participate in any criminal act subsequent to the date of this agreement and prior to the date of his sentencing, this agreement shall be null and void, and Mario Comesanas shall

thereafter be subject to prosecution for any criminal violation of which the State has knowledge, including but not limited to perjury and obstruction of justice. Any such prosecution may be based upon any statements and information provided by Mario Comesanas, and all such statements and information may be used against him. To the extent that anything in this agreement is deemed inconsistent with N.J. Rule of Evidence 410, those provisions 410 are hereby waived by Mario Comesanas.

No additional promises, agreements, or conditions have been entered into with Mario Comesanas other than those set forth in this letter, and none will be entered into unless in writing and signed by both parties.

**THIS AGREEMENT IS VALID UNTIL MONDAY, MARCH 19, 2007, ON OR PRIOR TO WHICH A PLEA OF GUILTY MUST BE ENTERED WITH THE COURT CONSISTENT TO THE TERMS SET FORTH HEREIN. OTHERWISE THIS PLEA OFFER SHALL BE DEEMED WITHDRAWN.**

Very truly yours,



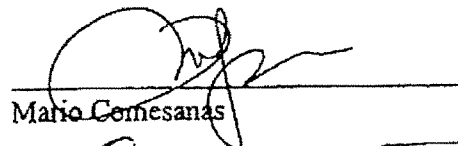
Mark G. Eliades  
Supervising Deputy Attorney General  
Division of Criminal Justice



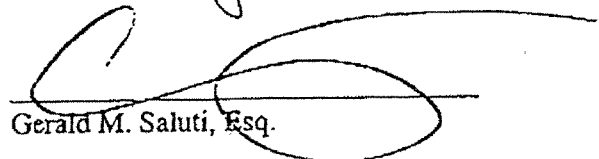
Mark Ondris  
Deputy Attorney General  
Division of Criminal Justice

I have read this letter and I understand its terms and I hereby acknowledge that it fully sets forth my understanding and agreement with the State of New Jersey.

Date:

  
Mario Comesanas

Date:

  
Gerald M. Saluti, Esq.

## **EXHIBIT B**

### **DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

#### **1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

#### **2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Medical Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of

former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

## **5. Probation/Monitoring Conditions**

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and Inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**NAME: Mario Comesanas, M.D.**  
**NJ License # MA047585**

**ADDENDUM**

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number<sup>1</sup>: \_\_\_\_\_

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

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List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

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Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

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<sup>1</sup> Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.